

Information Summary and Recommendations

Athletic Trainer Sunrise Review

September 1993



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Bruce A. Miyahara
Secretary of Health

Executive Summary

The Department of Health (DOH) was requested to conduct a Sunrise Review on House Bill 1459, a proposal to license Athletic Trainers.

The Washington State Athletic Trainers Association (WSATA) submitted an applicant report. WSATA is the local branch of the National Athletic Trainers Association (NATA). The Washington State Physical Therapists Association (WSPTA), initially opposed but later voiced conditional support. The American Athletic Trainers Association (AATA) also opposed; however, later in the process, local AATA members voiced some conditional support. DOH has requested an official position from AATA. Information was gathered from other states, available literature, AATA, NATA, Higher Education Coordinating Board (HECB), and the Superintendent of Public Instruction (SPI).

The following recommendations are proposed by DOH:

1. Athletic Trainers should not be regulated by the state of Washington.
2. Because DOH has a strong role in protecting the public health, DOH should notify employers through SPI, HECB, the Washington State Medical Association (WSMA) and the Washington State Physical Therapists Board (WSPTB) that when contemplating hiring an athletic trainer, they should contact both NATA and AATA to obtain information about:
 - the level of qualification of a potential Athletic Trainer employee;
 - the proper role of the Athletic Trainer;
 - the relationship between Athletic Trainers and other health care providers; and
 - the proper means of reporting certification requirement violations.
3. DOH should encourage schools, colleges and universities through SPI, Washington Interscholastic Activities Association (WIAA), and HECB to establish, publish and implement procedures (home and away, practice and competitive, field and locker room) for:
 - attending to injured athletes;
 - referring injuries for appropriate medical attention; and
 - the importance of having appropriately trained staff present during athletic events.
4. NATA and AATA should promote and identify themselves as certifying agencies that guarantee the academic preparation and skill level of Athletic Trainers in the job market place and inform employers of other professional services they provide.

If the Legislature determines that additional consideration be given to the applicant's proposal, the Department recommends several changes including changing the definitions

in HB 1459 to those agreed upon by WSPTA and WSATA in January of 1993; and 2) removing the language that limits access to colleges and universities whose courses have not been accredited but may well prepare the trainer to pass certification examinations. Other recommended changes are detailed later in this report.

Current Regulation

Athletic Trainers are not regulated by Washington State.

Currently, there are two independent certifying entities in the United States that review and regulate how Athletic Trainers prepare for and maintain competency in their profession. Athletic Trainers voluntarily apply for certification through either NATA Incorporated; Board of Certification; or AATA.

Proposal for Sunrise

The Health Care Committee of the Washington State House of Representatives has requested DOH conduct a Sunrise Review for a proposal by WSATA to regulate Athletic Trainers.

HB 1459 would require that applicants for licensure be 18 years of age; a citizen or resident alien of the U.S.; submit an application in the form approved by the secretary, possess a baccalaureate or graduate degree from a college or university with an athletic training curriculum recognized by a national athletic training accrediting body and approved by the secretary; meet the standards of practice established or adopted by the secretary; pass an examination approved by the secretary.....; pay a licensing fee; and have no criminal history.

HB 1459 provisions:

- visiting Athletic Trainers meeting comparable licensure requirements can practice in Washington state for a period of ninety days per year.
- a grandperson clause for persons who apply; pay the fee; practice in this state; have three consecutive years of employment in athletic training in Washington state, all of which have served professional sports, including but not limited to junior A tier one hockey, the national basketball association, and professional horse racing thoroughbred race meets that exceed thirty days per year; and is approved by the secretary.

- new resident Athletic Trainers licensed in another state or foreign jurisdiction may be licensed in Washington without examination if, in the opinion of the secretary, the other state's or foreign jurisdiction's examination and educational requirements are substantially equivalent to Washington's and the applicant demonstrates to the satisfaction of the secretary a working knowledge of Washington law.
- recognizes Athletic Trainers as health care professionals; prevents a person from using the title (or derivation of title) unless licensed as an Athletic Trainer.
- defines a scope of practice.

HB 1459 Requirements:

- The secretary will consult with Washington Athletic Trainers or their duly designated representative or organization during implementation of this proposal.
- Schools and not-for-profit organizations are not required to hire Athletic Trainers. This proposal does not prevent a person, including a student Athletic Trainer or Teacher Athletic Trainer, from providing first aid, preventative care, and referral, or in any way prevent an athletic coach from providing first aid or administering and supervising a normal sports activity. Nor does this proposal prohibit a person credentialed in this state under another act from engaging in the practice for which he or she is credentialed.

Summary of Information Collected/Submitted

Department staff reviewed the information received during the review process. Some was solicited from interested parties; other information was provided to the Department without being solicited. This "Information Summary" section provides the Department's paraphrasing of all such information. It does not reflect the Department's findings, which are found in a later section of this report.

The headings in italics above the various paragraphs indicate the source of information provided to the Department.

The Section is divided into three parts which correspond to the three main criteria given by the legislature to determine if a profession should be regulated by the state and if so, to what extent.

A. Harm to the Public:

Washington State Athletic Trainers Association

Contends that people are generally unaware of the role of Athletic Trainers and unclear about appropriate expectations. Those who advertise or act as Athletic Trainers may mislead and/or confuse consumers and employers about their academic preparation, qualifications, and skills. Unqualified persons deliver incompetent care resulting in unnecessary and sometimes permanent injury or protraction of injury. Athletic training is an undefined and unregulated branch of health care which works outside the authority of the Uniform Disciplinary Act. Athletic Trainers, knowingly and unknowingly, overstep the bounds of practice for which they have been delegated authority. In a clinical setting, Athletic Trainers work under the supervision of a physical therapist or an MD. However, on the practice or event field, Athletic Trainers often work with greater autonomy.

Washington State Physical Therapists Association

Contends that the legislation as written is too broadly defined. According to WSPTA, new definitions were agreed upon with WSATA in January of 1993 but the bill was filed before it was amended. WSPTA questions whether Athletic Trainer's education preparation is sufficient for them to work with the degree of autonomy this bill provides. This opponent group claims that the bill would broaden the patient population and degree of autonomy for the Athletic Trainers by providing a more direct route for clients to seek services. WSPTA would favor the bill if the definitions were revised to reflect their agreement.

American Athletic Trainers Association

Initially AATA contended that the legislation as written 1) places the public at risk; 2) discriminates against AATA; 3) is too broadly defined; 4) allows for inappropriate circumvention of requirements in special instances including a grandperson clause; and 5) infringes on their use of their title(s). Washington members of AATA later expressed their support of the proponent group and the legislation with changes. DOH has requested an official position from AATA.

B. Benefit to the Public:

WSATA contends that Licensure would define a scope of practice and provide the most effective mechanism for recourse (Uniform Disciplinary Act) if an Athletic Trainer was found giving harmful advice and/or treatment. Licensure would provide the employer, the supervisory medical doctor or physical therapist, and

the consumer seeking a "qualified" Athletic Trainer the assurance of a minimum level of competency.

Washington members of AATA support the bill with changes to "de-monopolize NATA". They contend that in so doing, Athletic Trainers practicing in Washington state would be state licensed. This would supersede their national certification in advertising their credentials. Athletic Trainers would then be able to focus their attention back to caring for athletes and away from turf wars.

C. Other Means of Regulation

NATA publishes the Code of Professional Practice. NATAs Board of Certification administers disciplinary panels which respond to complaints concerning violations of their Professional Practice Standards and Code of Ethics. Consequences include denial or suspension of eligibility; revocation; non-renewal; censure; reprimand; suspension; training or other corrective action; reports; and conditions relating to the above. Their disciplinary process includes steps for review, hearing, appeal and decision.

WSATA, the association representing Athletic Trainers credentialed through NATA, subscribes to the Code. However, certification through NATA is voluntary and not all Athletic Trainers working in Washington are certified by NATA. AATA does not have a disciplinary process.

Responsibility and liability for malpractice and misconduct currently lies within the scope of practice of supervisory physicians and physical therapists. Acts of sexual misconduct are against the law in Washington state and the consumer has recourse through the judicial process.

Championship playoffs and other tournament events in which interscholastic sports teams compete are regulated by WIAA. WIAA sets strict requirements on players, schools, and coaches for participation including requirements for medical care. Educational requirements for coaches are being revised this year and will include an increase in first aid and other medical course work.

Public Hearing

A public hearing was held on August 6, 1993, in Olympia, Washington. Fourteen persons attended the hearing and ten testified.

Findings

1. The applicant and the WSPTA met in January 1993 to agree on a set of definitions to be used to amend the current version of HB 1459. The WSPTA would support the bill upon amendment and has contacted the WSATA to resume discussions.
2. Washington State University, Western Washington University, Eastern Washington University, Central Washington University, University of Puget Sound, Seattle Pacific University, Pacific Lutheran University, Whitworth College and Gonzaga University all have Athletic Trainer programs. WSUs athletic training program is accredited through the AMA and NATA.

An excerpt from a 1992 article by Joseph Godek contains the following: "In the early 1970s the first college curricula for preparing Athletic Trainers were approved by NATA and a national certification program was begun. Today there are 91 approved educational programs in the U.S. and 10,600 Certified Athletic Trainers. In 1990 the American Medical Association formally recognized athletic training as an allied health profession. In 1991 the AMAs Committee on Allied Health Education and Accreditation (CAHEA) approved essentials and guidelines for education of the Athletic Trainer (a successful collaborative effort), which includes the following in the description of the profession: 'The Athletic Trainer is a qualified health care professional educated and experienced in the management of health care problems associated with sports participation. In cooperation with physicians and other allied health care personnel, the Athletic Trainer functions as an integral member of the athletic health care team in secondary schools, colleges and universities, professional sports programs, sports medicine clinics and other athletic health care settings.'"

3. Athletic Trainers work under the supervision of a physical therapist or a medical doctor in clinical settings, and work autonomously or under the indirect supervision of a medical doctor in interscholastic, intramural, intercollegiate, amateur, and professional sports settings, and in administrative and industrial settings.
4. Within Washington AATA certifies approximately 8 Athletic Trainers. The WSATA recognizes 399 Athletic Trainers in this state, but only 267 are NATA certified. Others are students, retired, etc. There are approximately 17,600 Athletic Trainers certified by NATA nationally. AATAs national figure is unknown as are the number of uncertified Athletic Trainers both in Washington and nationally.

Comparison of State vs. National Regulation

	Washington	United States
Uncertified	unknown	unknown
NATA	399	17,606
AATA	8	unknown

5. With 17,606 Certified Athletic Trainers there have been five cases of discipline reported to NATA in five years. Other states have similarly low numbers of disciplinary cases.
6. A legislative proposal to license Athletic Trainers in Washington State failed in 1987. The bill would have required schools and charity organizations to hire licensed Athletic Trainers, contained an unacceptable grandfather clause, required a board and did not include "modalities" within a scope of practice. These four provisions would be dropped or modified with the current proposal.
7. Most examples of potential harm relate to incidents where athletes were injured on school grounds or at charity events. Licensure would not change the outcomes of these school related injuries. The presence of a properly trained individual at the time of the injury would have made a difference.
8. A U.S. District Court ruling recognizes the trademark "Certified Athletic Trainer" and all its derivations as registered to NATA and allows AATA certified Athletic Trainers to use the term "certified athletic trainer" in lower case letters with conditions. It requires AATA to provide copies to its current and new members of the order. It requires AATA to respond in writing to requests from NATA for verification of membership when someone advertises themselves as an Athletic Trainer and is not NATA certified.
9. The SPI reports that the state board of education has adopted the WIAAs proposals for Coaches Standards. These standards will be fully in place for the 1994-95 school year.

Coaches requirements:

- Must have completed 30 clock hours of training from ... Coaching Standards categories, at least 10 of which must be in first aid/CPR training, before beginning the second year of coaching.

- Must have valid, current evidence of having successfully completed training in first aid, CPR, or one of the sports medicine first aid courses approved by WIAA.
- Completion of and verification of statements made on the Washington State Patrol's "Criminal History Information Form".

Grandfathered coaches must complete 15 clock hours in any three-year period. Physical education majors and minors are likely to be grandfathered. Take first aid/CPR [training] from a WIAA instructor.

Medical and Legal Courses offered by WIAA include:

- Prevention of Injuries
- Preparing for Emergencies
- First Aid, CPR, Athletic Training
- Injury Rehabilitation
- Chemical and Substance Abuse
- Kinesiology
- Exercise Physiology
- Legal Expectations and Liabilities of Interscholastic Sports Coaches
- Duties and Obligations of Coaches for Safety and Security of Participants
- Policies and Procedures of Employing School District

10. Outcomes of the cases submitted by the proponent to prove evidence of harm or potential of harm would not have been different because of licensure.

Cases involving sexual harassment or misconduct or hostile environment can be presented to both NATA and AATA for action. AATA does not at this time have a disciplinary procedure. These activities are illegal in Washington State and can also be pursued through civil suits or criminal charges.

Athletic Trainers work under the supervision of a physician or physical therapist in a clinical setting where their responsibilities and practice are delegated. However, various levels of autonomy and expectations of autonomy exist in other settings. Testimony by a professional sports doctor at the August 6 public hearing indicates that the Athletic Trainers working for the team report directly to the team manager. The doctor is not and does not expect to be consulted in the diagnosis, evaluation and treatment of less than major injury. The doctor stated the Athletic Trainers have their domain and he has his.

Public recourse for liability in cases of malpractice exists through the Athletic Trainer to the employer, whether that is the physician, physical therapist, administration or school district.

Recommendations

1. Washington State should not license Athletic Trainers.

Rationale:

- Most of the cases presented by the proponent are anecdotal and/or occurred either at a school or charity/benefit event where no Athletic Trainer would be required. Licensing Athletic Trainers and establishing a scope of practice and then not requiring their presence at school functions raises questions about liability.
- Statistically, in states where regulation exists, there have been too few cases of actual harm to the public. NATAs Government Relations Office related that in the last two years there have been no cases of public harm reported.

Disciplinary Actions by Other States As Reported to Department of Health

State	Regulation	Disciplinary Actions Taken
AK, AZ, CA, HI, IA, KS, KY, ME, MD, MI, MT, NE, UT, VT, VA, DC, WI, Guam, Northern Mariana Islands	None	N/A
AL	1993 legislation pending (licensed)	No response
CO	Regulated "Qualified Athletic Trainer"	No response
CT	(restrictions)	N/A
FL	Responsibility delegated to local school boards	N/A
GA	Licensed	Unable to contact
IL	Registered	No response
IN	Certified	Legislation enacted 1993, no actions
MA	Licensed	No response
MN	Registered	Legislation enacted 1993, no actions

State	Regulation	Disciplinary Actions Taken
MS	Licensed	Continuing education requirements not being fulfilled
MO	Licensed	Investigations only, no actions
NH	Leg pending (Certification)	N/A
NJ	Registered	No response
NM	Licensed	No actions
NY	Certified	Legislation enacted 1993, no actions
NC	Required to be registered with NC Athletic Trainers Association	N/A
ND	Licensed	Unable to contact
OH	Licensed	New board, no actions
PA	Certified	Unable to contact
RI	Licensed	Unable to contact
SC	Certified	No actions
SD	Licensed	No records of actions
TN	Certified	No response
TX	Licensed	Unlicensed activity

- Athletic Trainers work as employees under the supervision of a physician, physical therapist, manager or administrator. Employers are responsible for ensuring the qualifications of their staff. Athletic Trainers are minimally supervised. Currently, licensure might actually reduce the level of supervision they receive.
- The current NATA certification program is adequately regulating those Athletic Trainers who voluntarily certify themselves. State licensure or certification would add a fee and a level of bureaucracy to a process that appears to be successfully policing itself. NATA certification process has been approved by The National Commission of Certifying Agencies which establishes national voluntary standards for and recognizes compliance with these standards by agency certifying individuals in a wide range of professions and occupations. The NCCA replaced the National Commission for Health

Certifying Agencies (NCHCA) which was established in 1977 to develop criteria and standards for health certifying agencies.

- WIAA already requires coaches working state events to maintain a first aid card. WIAA requirements for coaches become stricter this year.
 - Most high school coaches maintain first aid and or/CPR cards and procedures are in place for obtaining immediate medical consultation/attention.
2. The Athletic Trainer industry should launch an educational campaign targeted at employers of Athletic Trainers to inform them of the benefits of NATA or AATA certification.

Rationale:

- All employer's seeking to verify the credentials of a potential employee already have the ability to ensure the Athletic Trainer is certified by either NATA or AATA.
 - NATAs Role Delineation study outlines the knowledge and skill level expected of an Athletic Trainer and will aid the supervising physician or physical therapist in delegating responsibility and authority through their own medical practice acts.
 - Employers seeking administrative disciplinary action can do so through NATA and can also check on records of disciplinary actions of a potential employee. AATA does not currently have a disciplinary process.
3. Because DOH has a strong role in protecting the public health, DOH should notify employers through SPI, HECB, the Washington State Medical Association (WSMA) and the Washington State Physical Therapists Board (WSPTB) that when contemplating hiring an athletic trainer, they should contact both NATA and AATA to obtain information about:
- the level of qualification of a potential Athletic Trainer employee;
 - the proper role of the Athletic Trainer;
 - the relationship between Athletic Trainers and other health care providers; and
 - the proper means of reporting certification requirement violations.

DOH should encourage schools, colleges and universities through SPI, Washington Interscholastic Activities Association (WIAA), and HECB to establish, publish and implement procedures (home and away, practice and competitive, field and locker room) for:

- attending to injured athletes;
- referring injuries for appropriate medical attention; and

- the importance of having appropriately trained staff present during athletic events.

A list of appropriate agencies would include SPI, HECB, Committee for Outdoor Recreation, the Washington State Association of Local Public Health Officers, the Physical Therapy Board and the Medical Board material related to both NATA and AATA. DOH would rely on these primary points of contact to disseminate information to appropriate levels within their areas of expertise (the Washington Associations of Coaches, Principals, Intercollegiate Sports Association, etc).

Rationale:

Same as for #2

4. If the Legislature decides not to accept the DOHs recommendations on licensure and chooses to further consider HB 1459, the following changes are recommended:
 - Strike the definitions in HB 1459 and await agreed upon set of definitions from the WSATA and the WSPTA.
 - New Section. Sec 7, paragraph 4, which reads, "Shall have a baccalaureate or graduate degree from a college or university with an athletic training curriculum recognized by a national athletic training accrediting body and approved by the secretary." Delete "recognized by a national athletic training accrediting body" and replace with "recommended by the advisory committee."

RATIONALE: Several colleges in Washington and other colleges outside the state offer courses which may now and in the future adequately prepare students to pass an exam.

- New Section. Sec 8, paragraph 12, which reads, "To conduct an examination or adopt an examination conducted by a nationally recognized athletic trainer accrediting body whose credentialing program is approved by a national commission for certifying agencies for the purposes of testing the applicant's knowledge of the basic and clinical sciences as they apply to athletic training." Delete "or adopt an examination conducted by a nationally recognized Athletic Trainer accrediting body whose credentialing program is approved by a national commission for certifying agencies"

RATIONALE: "To conduct an examination for the purposes of testing the applicant's knowledge of the basic and clinical sciences as they apply to athletic training" gives the secretary sufficient authority to choose an appropriate process to conduct an examination. There is no reason to codify this option over any other option the secretary may choose to execute.

- New Section. Sec 10, subsection 2, which reads, "An individual actively engaged as an athletic trainer shall apply for licensure under this section within ninety days from the effective date of this act." Delete this section entirely.

RATIONALE: Allows a 90 day grace period to obtain license and negates New Section 4, paragraph (1) which clearly states, "After January 1, 1995, a person may not practice athletic training without first having a valid license.

- New Section. Sec 11. Add a new item that reads, "Shall pass the examination approved by the secretary. The examination must test the applicant's knowledge of the basic and clinical sciences as they apply to athletic training theory and practice, including the applicant's professional skills and judgment in the utilization of athletic training techniques and methods, and other subjects the secretary deems useful to determine the applicant's fitness to act as a licensed Athletic Trainer."

RATIONALE: There are athletic trainers who have served communities for long periods of time for whom new, retroactive educational requirements would be burdensome. However, an examination would evaluate the applicant's technical ability to provide competent athletic training services regardless of educational standards at the time that they became athletic trainers.

Chart of Regulations in Other States As Reported to Department of Health

State	Regulation*
ID (mandatory), IL, MN, MO (mandatory), NJ & NC	Registration (6)
IN, KY, LA, NY, PA, SC & TN	Certification (7)
AL, DE, GA, MA, MS, NB, ND, NM, OH, OK, RI, SD & TX	Licensure (13)
AZ, CO, CT, HI & NH	Exemption (5)**
CT (to NATA) & FL (to local school boards)	Delegated (2)
AR (licensure) & NH (certification)	Pending (2)

*The level of regulation cited may or may not equal Washington State's definition of registration, certification or licensing.

**Exempted from one or more practice acts in the state.

Summary: 26 states credential athletic trainers, 7 others acknowledge the profession through delegation or exemption. Two states have credentialing pending.

Participant List

Bennie Barnes, Senate Health & Human Services Committee
Sylvia Beck, State Board of Health
Becky Bogard, Washington State Physical Therapy Association
Joe S. Borland, Chair, AATA and Certification Board
Brett Bruyere, Washington State Chiropractors Association
Geoff Clark, Washington State Athletic Trainers Association
Mike Colbrese, Washington Interscholastic Activities Association
Alby Dean, Washington State Athletic Trainers Association
Representative Dennis A. Dellwo
Jim Dillon, Washington Members of American Athletic Trainers Assn
Freeman B. Duncan, Former Idaho Legislator
Bob France, Washington Members of American Athletic Trainers Assn
Lance Gatter, Washington State Athletic Trainers Association
Cliff Gillies, Washington Interscholastic Activities Association
Representative Michael Heavey
Joel Johnson, Washington State Physical Therapy Association
Steve Lindstrom, Government Relations
Representative Barbara Lisk
Jim Livengood, Washington State University
Representative Gary Locke
Martin Matney, Washington State Athletic Trainers Association
Representative Fred May, Retired
Carl Nelson, American Medical Association
Carol Neva, Connie Glasgow, Patti Rathbun, Health Professions Quality Assurance Div.
Julia Porter, Association of Washington Business
Bill Reynolds, Harbor Square Sports Therapy
Kyle Richter, Washington State Athletic Trainers Association
Senator Phil Talmadge
Kathe Taylor, Higher Education Coordinating Board
James C. Trombold, M.D.
John Welsh, House Health Care Committee
Jim Whitesel, Seattle Seahawks
Beth Wolfe, Washington State Athletic Trainers Association
Representative Jeannette Wood
State Board of Medical Examiners

Public Hearing Panel Members

Steve Boruchowitz, DOH, Health Services Development
Terry Taylor, DOH, Health Services Development
Carol Neva, DOH, Physical Therapist Board
Nick Federici, State Board of Health
Kathe Taylor, HECB

Review Panel

Health Services Development:

Terry Taylor
Susan Boots
Lisa Höffmann
Yvette Lenz
Steve Boruchowitz

State Board of Health:

Nick Federici

HOUSE BILL 1459

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Heavey, Wood, Lisk, G. Cole, Appelwick, Jacobsen, Basich, Ludwig, Morton, Dunshee, Grant, Thibaudeau, Franklin, R. Johnson, Brumsickle, Springer, Orr, Cooke, Veloria, Flemming, Dyer, Quall, Chandler, Dellwo, Ballasiotes, Pruitt, Karahalios, J. Kohl, Eide and Finkbeiner

Read first time 01/29/93. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to athletic trainers; amending RCW 18.130.040 and
2 7.70.020; adding a new chapter to Title 18 RCW; and prescribing
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. Sec. 1. This act may be known and cited as the
6 Washington athletic trainer's act.

7 NEW SECTION. Sec. 2. The legislature finds it necessary to
8 license the practice of athletic training and to establish standards of
9 competence and conduct in order to protect the public health and
10 safety.

11 NEW SECTION. Sec. 3. Unless the context clearly requires
12 otherwise, the definitions in this section apply throughout this
13 chapter.

14 (1) "Athlete" means a person involved in sports, games, recreation,
15 exercise, or skill activities utilizing physical strength, flexibility,
16 agility, range of motion, speed, or stamina.

(2) "Athletic injury" means an injury sustained by a person as a result of that person's participation in sports, games, recreation, exercise, or skill activities utilizing physical strength, flexibility, agility, range of motion, speed, or stamina.

(3) "Athletic trainer" means a sports injury specialist who practices athletic training as defined in this chapter under the direction of an authorized health care practitioner through the prevention, recognition, evaluation, management, disposition, treatment, or rehabilitation of athletic injuries.

(4) "Athletic training" means the practice of prevention, recognition, evaluation, management, disposition, treatment, rehabilitation, physical conditioning, or physical reconditioning of athletic injuries under the direction of an authorized health care practitioner and including the use of physical modalities defined in this chapter.

(5) "Authorized health care practitioner" means physicians, osteopathic physicians, naturopaths, podiatric physicians and surgeons, dentists, and, in clinical settings, physical therapists and occupational therapists.

(6) "Department" means the department of health.

(7) "Physical modalities" means the use of physical, chemical, electrical, and other noninvasive modalities including, but not limited to heat, cold, air, light, water in any of its forms, sound, massage, and therapeutic exercise.

(8) "Secretary" means the secretary of health or the secretary's designee.

NEW SECTION. Sec. 4. (1) After January 1, 1994, a person may not practice athletic training without first having a valid license.

(2) A person who is not licensed by the secretary as an athletic trainer under this chapter may not represent or advertise himself or herself as being so licensed and may not use in connection with his or her name the words "athletic trainer," any derivative, additive, or compounding of "athletic trainer," or other words, letters, abbreviations, signs, numbers, or insignia indicating or implying that he or she is an athletic trainer.

(3) This chapter does not prevent a person, including a student athletic trainer or teacher athletic trainer, from providing first aid, preventative care, and referral, or in any way prevent an athletic

1 coach from providing first aid or administering and supervising a
2 normal sports activity.

3 (4) This chapter does not prohibit a person credentialed in this
4 state under another act from engaging in the practice for which he or
5 she is credentialed.

6 NEW SECTION. Sec. 5. (1) An athletic trainer whose duties require
7 him or her to practice across state or international boundaries may
8 practice in this state for up to ninety days per year, if the athletic
9 trainer is credentialed in another state or nation with training and
10 certification requirements that the secretary finds are at least equal
11 to the requirements of this state.

12 (2) After practicing for ninety days in one year in this state, an
13 athletic trainer from another state or country shall, within thirty
14 days, apply for licensure if he or she intends to continue to practice
15 as an athletic trainer in this state, during which period he or she may
16 continue to practice if his or her credentials remain valid.

17 NEW SECTION. Sec. 6. After January 1, 1994, the secretary shall
18 license as an athletic trainer and furnish a license to each applicant
19 who successfully complies with the conditions and requirements set
20 forth in this chapter for licensure as an athletic trainer.

21 NEW SECTION. Sec. 7. To be licensed as an athletic trainer, an
22 applicant for licensure as an athletic trainer:

23 (1) Shall be at least eighteen years of age;

24 (2) Shall be a citizen or resident alien of the United States;

25 (3) Shall submit an application in the form approved by the
26 secretary;

27 (4) Shall have a baccalaureate or graduate degree from a college or
28 university with an athletic training curriculum recognized by a
29 national athletic training accrediting body and approved by the
30 secretary;

31 (5) Shall meet the standards of practice established or adopted by
32 the secretary;

33 (6) Shall pass an examination approved by the secretary. The
34 examination must test the applicant's knowledge of the basic and
35 clinical sciences as they apply to athletic training theory and
36 practice, including the applicant's professional skills and judgment in

1 the utilization of athletic training techniques and methods, and other
2 subjects the secretary deems useful to determine the applicant's
3 fitness to act as a licensed athletic trainer. The examination must be
4 conducted at least once a year at times and places to be reasonably
5 accessible to applicants from the state of Washington;

6 (7) Shall pay the required fee; and

7 (8) May not have been convicted of a crime in any jurisdiction, if
8 the secretary determines that the applicant's particular crime directly
9 relates to the applicant's capacity to perform the duties of an
10 athletic trainer and the secretary determines that the license should
11 be withheld to protect the citizens of Washington state.

12 NEW SECTION. Sec. 8. The secretary has the following powers and
13 duties:

14 (1) To adopt, amend, and rescind rules necessary for the
15 implementation of this chapter;

16 (2) To issue licenses to qualified applicants or qualified athletic
17 trainers from other jurisdictions;

18 (3) To deny licenses to unqualified applicants and to revoke,
19 rescind, suspend, or not renew licenses to license holders who fail to
20 remain qualified or violate the provisions of this chapter;

21 (4) To approve forms for license application and renewal;

22 (5) To establish and administer requirements for licensure of
23 athletic trainers under this chapter;

24 (6) To establish or adopt standards of practice for athletic
25 trainers;

26 (7) To establish and administer requirements necessary for
27 continuing competency, proof of which shall be a prerequisite for
28 renewing a license under this chapter;

29 (8) To keep a permanent and official record of all proceedings
30 under this chapter;

31 (9) To keep an official record, to be available to the public upon
32 request, of the names and addresses of all licensed athletic trainers;

33 (10) To establish and collect license, license renewal, and
34 examination fees;

35 (11) To establish and collect penalties for violations of this
36 chapter; and

37 (12) To conduct an examination or adopt an examination conducted by
38 a nationally recognized athletic trainer accrediting body whose

1 credentialing program is approved by a national commission for
2 certifying agencies for the purposes of testing the applicant's
3 knowledge of the basic and clinical sciences as they apply to athletic
4 training.

5 NEW SECTION. Sec. 9. A license issued under this chapter is
6 subject to renewal on a periodic basis and expires unless renewed in a
7 manner established by the secretary. The secretary may issue a license
8 initially, with the fee prorated, for three years or less in order to
9 synchronize licensure with any continuing professional competency
10 requirements under this chapter.

11 NEW SECTION. Sec. 10. (1) The secretary shall issue a license to
12 a person actively engaged and employed in this state as an athletic
13 trainer for twelve months previous to the effective date of this act if
14 the person submits an application, meets the requirements for licensure
15 under this chapter, pays the licensing fee, and is approved by the
16 secretary.

17 (2) An individual actively engaged as an athletic trainer shall
18 apply for licensure under this section within ninety days from the
19 effective date of this act.

20 NEW SECTION. Sec. 11. The secretary shall issue a license to a
21 person who does not meet the educational requirements of this chapter
22 if the person:

23 (1) Applies for a license under this chapter;

24 (2) Pays the required fee under this chapter;

25 (3) Practices in this state;

26 (4) Has three consecutive years of employment in athletic training
27 in Washington state, all of which have served professional sports,
28 including but not limited to junior A tier one hockey, the national
29 basketball association, and professional horse racing thoroughbred race
30 meets that exceed thirty days per year; and

31 (5) Is approved by the secretary.

32 NEW SECTION. Sec. 12. An applicant holding credentials in another
33 state or foreign jurisdiction may be granted a Washington license
34 without examination, if, in the opinion of the secretary, the other
35 state's or foreign jurisdiction's examination and educational

1 requirements are substantially equivalent to Washington's and the
2 applicant demonstrates to the satisfaction of the secretary a working
3 knowledge of Washington law pertaining to the practice of athletic
4 training. The applicant shall provide proof in a manner approved by
5 the secretary that the examination and requirements are equivalent to
6 Washington's, meet the other qualifying requirements of this chapter,
7 and pay an appropriate fee determined by the secretary under RCW
8 43.70.250.

9 NEW SECTION. Sec. 13. The secretary shall consult with Washington
10 athletic trainers or their duly designated representative or
11 organization during implementation of the provisions of this chapter
12 and in the adoption of rules under this chapter. The consultation may
13 take the form of an advisory committee.

14 NEW SECTION. Sec. 14. The uniform disciplinary act, chapter
15 18.130 RCW, governs:
16 (1) Unlicensed practice;
17 (2) The issuance, renewal, revocation, and denial of licenses; and
18 (3) The discipline of licensees
19 under this chapter.

20 NEW SECTION. Sec. 15. The secretary, in implementing and
21 administering the provisions of this chapter, shall act in accordance
22 with the administrative procedure act, chapter 34.05 RCW.

23 NEW SECTION. Sec. 16. (1) The provisions of this chapter
24 relating to the licensing of athletic trainers are exclusive. A
25 governmental subdivision of this state may not enact a law or rule
26 licensing athletic trainers for regulatory purposes, except as provided
27 in subsections (2) and (3) of this section.
28 (2) This section does not prevent a political subdivision of this
29 state from levying a business fee, business and occupation tax, or
30 other tax upon athletic trainers, if the fee or tax is levied by the
31 state on other types of businesses within its boundaries.
32 (3) This section does not prevent this state or a political
33 subdivision of this state from licensing for regulatory purposes
34 athletic trainers with respect to activities that are not regulated
35 under this chapter.

1 NEW SECTION. Sec. 17. The secretary shall deposit all fees
2 collected under this chapter into the health professions account, and
3 shall provide for the expenses incurred under this chapter from moneys
4 in the account under RCW 43.70.320.

5 Sec. 18. RCW 18.130.040 and 1992 c 128 s 6 are each amended to
6 read as follows:

7 (1) This chapter applies only to the secretary and the boards
8 having jurisdiction in relation to the professions licensed under the
9 chapters specified in this section. This chapter does not apply to any
10 business or profession not licensed under the chapters specified in
11 this section.

12 (2) (a) The secretary has authority under this chapter in relation
13 to the following professions:

14 (i) Dispensing opticians licensed under chapter 18.34 RCW;

15 (ii) Naturopaths licensed under chapter 18.36A RCW;

16 (iii) Midwives licensed under chapter 18.50 RCW;

17 (iv) Ocularists licensed under chapter 18.55 RCW;

18 (v) Massage operators and businesses licensed under chapter 18.108
19 RCW;

20 (vi) Dental hygienists licensed under chapter 18.29 RCW;

21 (vii) Acupuncturists certified under chapter 18.06 RCW;

22 (viii) Radiologic technologists certified under chapter 18.84 RCW;

23 (ix) Respiratory care practitioners certified under chapter 18.89
24 RCW;

25 (x) Persons registered or certified under chapter 18.19 RCW;

26 (xi) Persons registered as nursing pool operators;

27 (xii) Nursing assistants registered or certified under chapter
28 ((18.52B)) 18.88A RCW;

29 (xiii) Dietitians and nutritionists certified under chapter 18.138
30 RCW;

31 (xiv) Sex offender treatment providers certified under chapter
32 18.155 RCW; ((and))

33 (xv) Persons licensed and certified under chapter 18.73 RCW or RCW
34 18.71.205; and

35 (xvi) Athletic trainers licensed under chapter 18.-- RCW (sections
36 1 through 17 of this act).

37 (b) The boards having authority under this chapter are as follows:

1 (i) The podiatric medical board as established in chapter 18.22
2 RCW;

3 (ii) The chiropractic disciplinary board as established in chapter
4 18.26 RCW governing licenses issued under chapter 18.25 RCW;

5 (iii) The dental disciplinary board as established in chapter 18.32
6 RCW;

7 (iv) The council on hearing aids as established in chapter 18.35
8 RCW;

9 (v) The board of funeral directors and embalmers as established in
10 chapter 18.39 RCW;

11 (vi) The board of examiners for nursing home administrators as
12 established in chapter 18.52 RCW;

13 (vii) The optometry board as established in chapter 18.54 RCW
14 governing licenses issued under chapter 18.53 RCW;

15 (viii) The board of osteopathic medicine and surgery as established
16 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
17 18.57A RCW;

18 (ix) The medical disciplinary board as established in chapter 18.72
19 RCW governing licenses and registrations issued under chapters 18.71
20 and 18.71A RCW;

21 (x) The board of physical therapy as established in chapter 18.74
22 RCW;

23 (xi) The board of occupational therapy practice as established in
24 chapter 18.59 RCW;

25 (xii) The board of practical nursing as established in chapter
26 18.78 RCW;

27 (xiii) The examining board of psychology and its disciplinary
28 committee as established in chapter 18.83 RCW;

29 (xiv) The board of nursing as established in chapter 18.88 RCW; and
30 (xv) The veterinary board of governors as established in chapter
31 18.92 RCW.

32 (3) In addition to the authority to discipline license holders, the
33 disciplining authority has the authority to grant or deny licenses
34 based on the conditions and criteria established in this chapter and
35 the chapters specified in subsection (2) of this section. However, the
36 board of chiropractic examiners has authority over issuance and denial
37 of licenses provided for in chapter 18.25 RCW, the board of dental
38 examiners has authority over issuance and denial of licenses provided
39 for in RCW 18.32.040, and the board of medical examiners has authority

1 over issuance and denial of licenses and registrations provided for in
2 chapters 18.71 and 18.71A RCW. This chapter also governs any
3 investigation, hearing, or proceeding relating to denial of licensure
4 or issuance of a license conditioned on the applicant's compliance with
5 an order entered pursuant to RCW 18.130.160 by the disciplining
6 authority.

7 Sec. 19. RCW 7.70.020 and 1985 c 326 s 27 are each amended to read
8 as follows:

9 As used in this chapter "health care provider" means either:

10 (1) A person licensed by this state to provide health care or
11 related services, including, but not limited to, a certified
12 acupuncturist, a physician, osteopathic physician, dentist, nurse,
13 optometrist, (~~((pediatrist))~~) podiatric physician and surgeon,
14 chiropractor, physical therapist, psychologist, pharmacist, optician,
15 physician's assistant, midwife, osteopathic physician's assistant,
16 nurse practitioner, (~~((or))~~) physician's trained mobile intensive care
17 paramedic, or athletic trainer, including, in the event such person is
18 deceased, his estate or personal representative;

19 (2) An employee or agent of a person described in part (1) above,
20 acting in the course and scope of his employment, including, in the
21 event such employee or agent is deceased, his estate or personal
22 representative; or

23 (3) An entity, whether or not incorporated, facility, or
24 institution employing one or more persons described in part (1) above,
25 including, but not limited to, a hospital, clinic, health maintenance
26 organization, or nursing home; or an officer, director, employee, or
27 agent thereof acting in the course and scope of his employment,
28 including in the event such officer, director, employee, or agent is
29 deceased, his estate or personal representative.

30 NEW SECTION. Sec. 20. Sections 1 through 17 of this act shall
31 constitute a new chapter in Title 18 RCW.

32 NEW SECTION. Sec. 21. If any provision of this act or its
33 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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